## United States Department of Labor Employees' Compensation Appeals Board

E.S., Appellant	)
(Widow of P.K.S.)	)
	) Docket No. 21-1400
and	) Issued: March 14, 2022
	)
DEPARTMENT OF THE NAVY, NORTH	)
ISLAND NAVAL BASE, Coronado, CA,	)
Employer	)
	_ )
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Appearances: Stayon F. Brown, Egg., for the appellant	Case Submitted on the Record
Steven E. Brown, Esq., for the appellant <sup>1</sup>	

## ORDER DISMISSING APPEAL

## Before: ALEC J. KOROMILAS, Chief Judge PATRICIA H. FITZGERALD, Alternate Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

On September 23, 2021 appellant, through counsel, filed an appeal from a purported decision of the Office of Workers' Compensation Programs (OWCP) dated August 24, 2019. The Clerk of the Appellate Boards assigned the appeal Docket No. 21-1400.

The Board has duly considered the matter and concludes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.<sup>2</sup> This jurisdiction encompasses any final adverse decision issued by OWCP within 180 days of the date appellant filed her appeal.<sup>3</sup> The case record as transmitted to the Board does not contain a final adverse decision of OWCP issued within 180 days from the date of docketing of the current

Office of Solicitor, for the Director

<sup>&</sup>lt;sup>1</sup> In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

<sup>&</sup>lt;sup>2</sup> 5 U.S.C. § 8101 et seq.; 20 C.F.R. §§ 501.2(c) and 501.3(a).

<sup>&</sup>lt;sup>3</sup> 20 C.F.R. § 501.3(e) provides in pertinent part: "Any notice of appeal must be filed within 180 days from the date of issuance of a decision of the OWCP."

appeal.<sup>4</sup> As there is no final adverse decision issued by OWCP over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as No. 21-1400 must be dismissed.<sup>5</sup> Accordingly,

**IT IS HEREBY ORDERED THAT** the appeal docketed as Docket No. 21-1400 is dismissed.

Issued: March 14, 2022 Washington, DC

> Alec J. Koromilas, Chief Judge Employees' Compensation Appeals Board

> Patricia H. Fitzgerald, Alternate Judge Employees' Compensation Appeals Board

> Valerie D. Evans-Harrell, Alternate Judge Employees' Compensation Appeals Board

<sup>&</sup>lt;sup>4</sup> *Id.* The most recent decision of record was issued by this Board on August 24, 2021, under Docket No. 20-0215. *See* Docket No. 20-0215 (issued August 24, 2021). Appellant, through counsel, filed a timely petition for reconsideration from that Board decision. An order on appellant's petition for reconsideration will be issued under a separate order.

<sup>&</sup>lt;sup>5</sup> The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance." 20 C.F.R. § 501.6(d).